

## **Attachment 4A**

### **Explanatory Note for Department of Commerce Report November 2, 2009**

This note and the accompanying spreadsheet report on the status and progress of National Environmental Policy Act (NEPA) compliance for the Department of Commerce on all projects and activities funded under Division A of the American Recovery and Reinvestment Act of 2009 (ARRA) through September 30, 2009..

#### **NOAA Operations, Research and Facilities (ORF)**

One of the programs (NOAA Operations, Research, and Facilities (ORF)) is currently noted as "NEPA Not Applicable" on page 1, column F. This includes just a small portion of funds being used by NOAA Fisheries to carry out ESA Section 7 consultations for habitat restoration grants, as well as, consultations on external Federal actions funded under ARRA (ESA consultations are requested by lead action agencies which are preparing NEPA documents for their proposed Federal actions).

#### **Habitat Conservation**

The NOAA Office of Habitat Conservation (OHC) continues to administer the projects under the ORF to restore coastal and marine habitats through a phased approach, and the vessel maintenance and repair project.

- In the second reporting period, OHC incorrectly reported 50 completed EA's, 18 for Habitat Restoration projects with full project implementation, and 32 Habitat Restoration Phase 1 project for actions with 2 or more Phases.
- Projects on line one, called "full project implementation" fall within the scope of a 2002 Programmatic Environmental Assessment (PEA) for the Community-based Restoration Program and a 2006 Supplemental PEA to award grants. In this report the EAs for the 18 full project implementation projects (from 2<sup>nd</sup> report) and the 32 Phase 1 of 2 projects, were consolidated into one reporting field (row 1). NEPA for these 50 projects relied on the two programmatic EA NEPA documents (most recent one completed 6/26/06). Therefore under Quantity for NEPA Actions, the number was revised to 2 (rather than previous 18 + 32, which were actual project numbers), and the 50 projects are still included in the "Number of ARRA Funded Projects/Activities" in column D on page 1 of the spreadsheet. Note, Phase 1 for actions with 2 or more Phases, only provides information necessary to evaluate effects and have been determined to either have no potential for effect in the environment (e.g. engineering designs) or otherwise fall within the analysis in the PEA and Supplemental PEA (e.g. field investigations for feasibility studies).
- OHC previously reported there were 32 Habitat Restoration NEPA actions for projects with 2 or more Phases that were pending completion of the NEPA action for Phase 2 Those NEPA actions were reported as 29 pending EA's and 3 pending EIS's in the previous report. These NEPA actions are now reported as 25 EA's for projects with 2

Phases (rows 2 and 3), 6 EA's for projects with 3 or more Phases (row 5), and 1 EIS for a project with 2 phases (row 4). The second phase will analyze impacts of the proposed activities that cannot be assessed at this time because the proposed projects/activities were not developed to the point that meaningful analysis could be accomplished and those projects/activities may raise environmental issues.

- The 6 EAs with 3 or more phases are reported as “Multi-phased” (row 5). One of those projects completed an EA for Phase 2 (row 6) and is pending completion of the EA for the next phase; consequently, there are still 6 actions with pending EA's (row 5). These pending EAs are scheduled for completion in a timely manner and will not delay planned seasonal restoration schedules by the grant recipients.
- The 3 pending EISs are now reported as 1 pending EIS (row 4). The 2 that previously were thought to need an EIS were modified and will only need an EA. For the pending EIS, OHC needs to recirculate the completed final EIS prior to completing the EIS process by issuing the Record of Decision. Completion is anticipated in October.
- The 25 reported EAs for Projects with 2 Phases include 6 completed EAs (row 2) and 19 pending EAs (row 3). These EAs are still pending due to clarification of the design and implementation of the project. Once the implementation design is completed these EAs will be drafted and finalized. They are scheduled for completion in a timely manner and will not delay planned seasonal restoration schedules by the grant recipients.

#### **Vessel Maintenance and Repair:**

- There is 1 NOAA ORF Vessel Maintenance and Repair project (row 8), which reports a CE “pending” and reported a CE “pending” in the previous report. This CE is still reported as “pending”; however, the CE was completed and signed the first week of October.

#### **NOAA Procurement, Acquisition and Construction (PAC):**

NOAA PAC project “NOAA Climate Computing/Modeling” (row 18) is still being reported as a CE “pending”. NOAA is working closely with GSA Region 3 office in Philadelphia towards a lease acquisition of an existing facility and the CE will be completed just before a lease is signed.

NOAA PAC projects, “Accelerate Satellite Observations” (row 21), “NEXRAD Radar Systems & Dual Polarization” (row 22), and “Weather Facility Construction – Nome, AK – staff housing renovation” (row 24), are also still being reported again as CE “pending”. These projects are still going through final project planning and that planning and the accompanying CEs are anticipated to be completed prior to the next reporting period. All of the other 5 “NOAA Weather Facility Construction” previously reported as pending have been completed.

#### **NIST Construction and Research Facilities (CRF):**

NIST CRF still has an EA pending for 11 different construction activities at their Gaithersburg site (rows 28 and 30 of 2<sup>nd</sup> report). These 11 projects were consolidated into one row (row 31 in this report), and all 11 projects will be covered under just one EA document (hence, reduced EA number from 11 in previous report to 1). This EA is near completion, and was submitted to the

National Capital Planning Commission (NCPC) on 9/4/09 with an updated master plan. It will be reviewed by the NCPC at their 12/3/09 meeting.

NIST CRF still has a CE pending for the “Solar Panels at Kauai, HI” (row 34). The site is located on U.S. Navy’s Pacific Missile Range Facility and NIST is coordinating with the Navy. The NEPA analysis and documentation has been sent to US Navy for review and completion of the proposed final CE determination.

NIST CRF on Grants for Research Activities (row 35) has received an environmental questionnaire for 2 of their 4 ARRA grants. These applications are still under review.

#### **NTIA Broadband Technology Opportunities Program (BTOP):**

Other than the funds transferred to DOI to manage a large procurement contract for the NTIA BTOP grant applications (in second report), NTIA BTOP is still in the applicant review and environmental pre-screening stages prior to selection for awards. These grant proposals are not yet at the stage to determine level of NEPA, as well as progress towards completion of NEPA for these grants.

#### **EDA Economic Development Assistance Program (EDAP):**

In the previous reporting period, EDA completed 6 EAs and 1 CE, and had 5 EAs pending, for a total of 12 NEPA actions. EDA has now completed the 5 EAs that were pending in the previous reporting period. EDA also completed 52 new EAs and 4 new CEs, for a total of 56 new NEPA actions. To date, EDA has completed a total of 68 NEPA actions for ARRA projects, including 63 EAs and 5 CEs. EDA has obligated all of its ARRA funds, and completed the NEPA actions for all of those awards.

Please note that all reported “Date NEPA Done” projects reflect actual dates that the CE memos were signed and EA FONSI’s “concurred” with by the NOAA NEPA Coordinator, or in the case of EDA, when the FONSI’s are signed by their EDA NEPA Official.

#### **Census Periodic Censuses and Programs:**

The one CE for this program which involves salaries, and related information collection expenses was not completed because of review of types, expenses and information collection that need to be done under the census program to sufficiently complete the categorical exclusion.

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